IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

Tr.P(Crl.).No. 85 of 2006()

ST.780/2006 of J.M.F.C.-I,NEYYATINKARA

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PETITIONER: ACCUSED:

SMITHA STANLEY, D/O. P.J.STANLEY,
PARASSERY HOUSE, MURIKKUMPADAM, AZHEEKAL P.O.,
ERNAKULAM DISTRICT-682510.

BY ADV. SRI.K.G.ANIL BABU

RESPONDENTS: COMPLAINANT & STATE:

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1. M.R. PUSHPAMMA,
RESIDING AT "MAKAM", RAILWAY STATION ROAD,
NEYYATTINKARA P.O., THIRUVANANTHAPURAM DISTRICT,
PIN-692 121.

2. STATE REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.T.G.RAJENDRAN
R2 BY PUBLIC PROSECUTOR SRI.K.A. AKBAR

THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 08/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Tr.P.(C).No. 85 of 2006

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Dated this the 8th day of January, 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 138 of the N.I. Act. The case against her is pending before the J.F.C.M. Court -I, Neyyattinkara. The petitioner has come to this court with a prayer that the case may be transferred to any court at Kochi.

2. The application is opposed by the counsel for the first respondent. Both the petitioner and the first respondent are women. There is no contention raised before me that the court at Neyyattinkara does not have jurisdiction. The only contention is that the petitioner will be put to great inconvenience and hardship if the trial is held at the Court at Neyyattinkara. It is further submitted that the petitioner and the first respondent are sisters-in-law and that the petitioner has secured a divorce from her husband, brother of the first respondent, through the Family Court, Kochi.

3. In the facts and circumstances of this case, there is no reason to direct transfer of the case to the Court at Kochi. However, I

am satisfied that the interests of the petitioner can be protected by the issue of a direction to the learned Magistrate to exempt the petitioner from personal appearance. The petitioner will be entitled to appear through a counsel.

4. With the above observations this petition is dismissed.

(R. BASANT)
Judge

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